Your right to question the decision made on your SSI claim

Social Security wants to make sure that everyone who is eligible for supplemental security income (SSI) checks gets them on time and in the right amount. To decide if you are eligible to get SSI checks, we carefully look at all the evidence in your case.

When we decide that you are or are not eligible for SSI checks, or that your SSI checks should stop, or that there should be a change in the amount of your SSI checks, we send you a written notice about our decision. You should read the entire notice for important information. If you don't agree with our decision, you have a right to appeal it. This means you can ask us to review our decision—in other words, to look at your case again.

There are four appeal steps you can take. The four steps are: (1) reconsideration, (2) hearing by an administrative law judge, (3) review by the Appeals Council, and (4) Federal court action. The steps must be taken in order. This leaflet explains the appeal steps and how you can ask for them.

Most people handle their own SSI business with free help from Social Security. But, you can choose a qualified person to represent you. Someone who represents you is called your representative. If you want more information about having a representative, call any Social Security office.

Step 1: Reconsideration

A reconsideration is the first step to take to appeal a decision we made.

When and how to request a reconsideration

If you want a reconsideration, you must ask for it **within 60 days** from the date you receive the first notice on your case. We assume that you receive the notice 5 days after the date printed on the notice, unless you can show us that you received it later or did not receive it at all. You must ask for a reconsideration **in writing**. The people in any Social Security office will be glad to help you write your request.

Getting checks during a reconsideration

If we decided that your SSI checks should be stopped because you are no longer blind or disabled, you

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can keep getting your checks while we reconsider your case. But, you must ask for a reconsideration **within 10 days** of the date you receive our first notice **and** you must sign a form to ask us to continue your checks.

If we decided that your SSI checks should be reduced or stopped for any other reason, you also can keep getting your checks while we reconsider your case. We will continue your checks **if** you ask for a reconsideration **within 10 days** of the date you receive our first notice.

If you get checks during the reconsideration and we later decide that the first decision on your case was right, you may have to pay back any money you were not supposed to get. But, you have the right to ask us not to make you pay the money back.

How your case is reconsidered

In a reconsideration, your case is reviewed by someone who did not take part in making the decision you are appealing.

There are different ways your case can be reconsidered. In some situations, you can choose the kind of reconsideration you want.

If you recently applied for SSI

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and we decided that you are not eligible or that the amount of your check is less than you thought it would be, you can choose a **case review** or an **informal conference**. See Case review below and Informal conference on page 6.

If a medical question on your SSI application is involved, you can **only** have a **case review** and it will be handled by the State Disability Determination Services. See Case review below.

If you have been getting SSI checks and we decided that you are no longer eligible to get checks or that your SSI check amount should be reduced, you can choose a **case review, informal conference** or **formal conference**. See Case review below and Informal conference and Formal conference on page 6.

If you have been getting SSI checks for blindness or disability and we decided that you are no longer blind or disabled, we will give you a chance to have a **disability hearing**. See Disability hearing on page 7.

Case review. In this kind of reconsideration, you will not be present while your case is reviewed. But, you have a right to look at the evidence in your file before

your case is reviewed. If you want to see your medical records, you must first choose someone to be your representative. In some cases, you can get copies of your medical records. You can give additional evidence to the person who will review your case or tell the person about any evidence that you think will help your case. After the case review is completed, you will get a written notice about the decision.

Informal conference. You have the same rights in an informal conference as you do in a case review. Also, you can come to the conference and tell the person who will review your case why you don't agree with our first decision. If you have a representative, you may bring him or her to the conference. You can also bring witnesses to testify for you. After the informal conference, you will get a written notice about the decision.

Formal conference. You have the same rights in a formal conference as you do in a case review and informal conference. Also, you may ask us to ask unwilling witnesses to come to the conference for questioning and to bring any evidence they have about your case. After the formal conference, you will get a written notice about the decision.

Disability hearing. If you have been getting SSI checks for blindness or disability and we decided that you are no longer blind or disabled, you can have a disability hearing if you ask for a reconsideration. A disability hearing is held by a disability hearing officer. The hearing officer was not involved in the decision you are appealing.

We will schedule the disability hearing and send you a notice about the time and place at least 20 days before the hearing. If there is some reason you can't come to the scheduled hearing, you may ask that the time or place be changed. You should ask for this change as soon as you know you can't attend the scheduled hearing.

You don't have to come to the disability hearing if you don't want to. If you don't, the disability hearing officer will make a decision based on the information in your file.

If you have to travel more than 75 miles to get to the hearing, you may ask us to pay your travel expenses. You also can ask us to pay travel expenses for your representative or a witness if he or she has to travel more than 75 miles to get to the hearing.

You can ask us to help you get evidence for your disability hearing and to subpoena evidence or witnesses. You can look at the evidence already in your file and provide additional evidence, either before or at the disability hearing. If you have a representative, you may bring him or her to the hearing. You also may bring witnesses and question any witnesses at the hearing. If you ask, the disability hearing officer may give you up to 15 days after the hearing to provide additional evidence, if the evidence directly affects your case and you couldn't get it earlier.

If we get or develop additional evidence after your disability hearing and all the evidence indicates that you are no longer blind or disabled, we will send you a written notice. You will have a chance to look at the additional evidence and tell us what you think about it before the disability hearing officer makes a decision.

When the hearing officer makes a decision on your case, you will get a written notice.

Step 2: Hearing by an administrative law judge

If you don't agree with the reconsideration decision on your case, you may ask for a hearing by an administrative law judge. An administrative law judge is a person who works in the Social Security Administration's Office of Hearings and Appeals. The judge had no part in the first decision or the reconsideration on your case.

When and how to request a hearing

If you want a hearing, you must ask for it **within 60 days** from the date you receive the notice about the reconsideration. We assume that you receive the reconsideration notice 5 days after the date printed on the notice, unless you can show us that you received it later or did not get it at all. The people in any Social Security office will help you fill out the forms to request a hearing.

Getting checks during the hearing

If we decided that your SSI checks should be stopped because we decided that you are no longer blind or disabled, you can ask us to continue your checks or start

them again until the hearing is completed. If you want to get checks during the hearing, you must ask us **within 10 days** of the date you receive the reconsideration notice that you are no longer considered blind or disabled. (Even if you got checks during the reconsideration, you must ask us again if you want your checks to continue during the hearing.) If your checks continue through the hearing and your appeal is denied, you may have to pay back any money you were not supposed to get. But, you have the right to ask us not to make you pay the money back.

The hearing

The hearing is usually held in the same city as the Social Security office that handles your case. You or your representative may come to the hearing and explain your case in person. The administrative law judge will explain what has to be decided. The judge may question you and any witnesses you bring to the hearing. You or your representative may question the witnesses, give new evidence, and look at the evidence that the judge will use to make a decision.

If you don't want to attend the hearing, you don't have to. The administrative law judge will make a decision based on all the evidence in your case, plus any additional evidence or statements you provide.

After the hearing, a copy of the administrative law judge's decision will be sent to you.

Step 3: Review by the Appeals Council

If you don't agree with the hearing decision by the administrative law judge, you may ask for a review by the Appeals Council. The Appeals Council is part of the Office of Hearings and Appeals.

You must ask for an Appeals Council review **within 60 days** from the date you receive the notice of the hearing decision. We assume that you receive the notice 5 days after the date printed on the notice, unless you can show us that you received it later or did not get it at all. The people in any Social Security office will help you to file a request for an Appeals Council review.

It is up to the Appeals Council to decide whether it will review the

hearing decision. If the Appeals Council decides to review your case, you can ask to appear in person to give the Council information about your case.

When the Appeals Council decides your case, a copy of the decision will be sent to you.

Step 4: Federal court action

If you don't agree with the Appeals Council's decision or if the Appeals Council does not review your case, you may file a suit in a Federal district court. To do this, you must file your complaint in a United States district court **within 60 days** after the date you receive the notice of the Appeals Council's decision. We assume that you receive the notice 5 days after the date printed on the notice, unless you can show us that you received it later or did not get it at all.

The importance of time limits

If you want to appeal any decision we made on your case, **it is very important that you take the appeal steps within the time limits allowed.**

If you don't take an appeal step before the time limit ends, you may lose your right to that step and may not be eligible to take the next appeal step. For example, if you don't ask for a reconsideration within the time limit, you will lose your right to have your case reconsidered and you can't have a hearing by an administrative law judge. But, if you have a good reason for not making your request within the time limit, we may give you some more time.

When the last day of a time limit is on a Saturday, Sunday, or national holiday, the time limit runs until the next full workday.

Of course, you don't have to take all the appeal steps if you don't want to. For example, you may have a reconsideration and then decide not to ask for any other review. **But remember, if you want to take the appeal steps, you must take them in order.**

For more information

If you have any questions about your right to appeal decisions made on your SSI claim, please call any Social Security office. The people there will be glad to help you.

The appeal steps for a Social Security claim are somewhat different than the appeal steps for an SSI claim. If you want information about appealing a decision on a Social Security claim, ask any Social Security office for the leaflet, *Your right to question the decision made on your Social Security claim*.

The phone number of the Social Security office is listed in your local phone book under "Social Security Administration" or "U.S. Government."

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